



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2017 Biennium

Bill #	HB0488	Title:	Generally revise DUI laws
Primary Sponsor:	Regier, Keith	Status:	As Introduced

- | | | |
|---|--|---|
| <input type="checkbox"/> Significant Local Gov Impact | <input checked="" type="checkbox"/> Needs to be included in HB 2 | <input type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts | <input checked="" type="checkbox"/> Dedicated Revenue Form Attached |

FISCAL SUMMARY

	<u>FY 2016 Difference</u>	<u>FY 2017 Difference</u>	<u>FY 2018 Difference</u>	<u>FY 2019 Difference</u>
Expenditures:				
General Fund	\$0	\$0	\$0	\$0
State Special Revenue	\$300,000	\$600,000	\$600,000	\$600,000
Revenue:				
General Fund	\$268,275	\$268,275	\$268,275	\$268,275
State Special Revenue	\$600,000	\$600,000	\$600,000	\$600,000
Net Impact-General Fund Balance:	<u>\$268,275</u>	<u>\$268,275</u>	<u>\$268,275</u>	<u>\$268,275</u>

Description of fiscal impact: HB 488 will increase general fund revenue being collected because the minimum fines will increase from \$300 to \$600 for the first DUI, from \$600 to \$1,200 for the second DUI and from \$1,000 to \$2,500 on third and subsequent DUIs. HB 488 also creates a \$300 administrative fee to be paid when an arrested person refuses to submit to one or more tests as provided in 61-8-402(4), MCA, and creates a dedicated state special revenue account for the use of those funds.

FISCAL ANALYSIS

Assumptions:

Department of Justice (DOJ)

- HB 488 increases the minimum fines for DUI offenses by the following amounts: \$300 (1st offense), \$600 (2nd offense), and \$1,500 (3rd offense).
- Fifty percent of the fines assessed under 61-8-401 and 61-8-406, MCA, are deposited into the state general fund and fifty percent go to the county in which the fine was issued.
- The Department of Justice has estimated revenue, using actual 2014 citations written as the basis for projections moving forward. The DOJ anticipates that 30% of all fine revenue associated with these fines will be collected, of which 50% is deposited to the state general fund.

4. In calendar year 2014, there were 1,331 1st DUI offenses, 267 2nd DUI offenses, and 115 3rd DUI offenses. The DOJ assumed that total additional fines assessed would be \$732,000 annually. Additional revenue to the state general fund would be \$109,800 annually. (\$300 additional fine for 1st offenses * 1,331 offenses = \$399,300) + (\$600 additional fine for 2nd offenses * 267 offenses = \$160,200) + (\$1,500 additional fine for 3rd offenses * 115 offenses = \$172,500) = \$732,000 total additional fines) (\$732,000 * 30% collection rate = \$219,600 * 50% = \$109,800 general fund increase).
5. 4th offense DUIs would become aggravated DUIs. In calendar year 2014, there were 135 4th offense DUIs. The DOJ assumes additional revenue of \$4,000 per offense. Additional revenue to the state general fund would be \$81,000 annually. (\$4,000 additional fine * 135 offenses = \$540,000) (\$540,000 * 30% collection rate = \$162,000 * 50% = \$81,000 general fund increase).
6. In calendar year 2014, there were 339 aggravated DUIs. The DOJ assumes that these were 2nd offense aggravated DUIs and additional revenue of \$1,500 per citation would be received under HB 488. Additional revenue to the state general fund would be \$76,275. (\$1,500 additional fine for 2nd offense aggravated DUI * 339 offenses = \$508,500) (\$508,500 * 30% collection rate = \$152,550) (\$152,550 * 50% = \$76,275 general fund increase).
7. In calendar year 2014, there were 2 4th offense aggravated DUIs. The DOJ assumes additional revenue of \$4,000 for 4th offense aggravated DUI. Additional revenue to the state general fund would be \$1,200. (\$4,000 additional fine * 2 offenses = \$8,000) (\$8,000 * 30% collection rate = \$2,400) (\$2,400 * 50% = \$1,200).
8. The DOJ anticipates total additional revenue to the state general fund of \$268,275 in FY 2016 based on the above assumptions. (\$109,800+\$81,000+\$76,275+\$1,200=\$268,275)
9. HB 488 creates a blood-draw search warrant processing account in the state special revenue fund that will be funded with a \$300 administrative fee which will be collected via the MERLIN miscellaneous receipt process.
10. In calendar year 2014, there were 2,000 refusals per year to submit to testing to determine the presence of alcohol or drugs. Assuming the same level in future years, the \$300 administrative fee per refusal is estimated to result in \$600,000 in state special revenue in the Blood-draw search warrant processing account.
11. The additional fee revenue will allow the forensic science laboratory to establish an adequate leasing program which would enable the division to replace older instrumentation on a regular schedule of 5 years. The leasing program will improve case turn-around times from the reduced amount of down-time associated with repairing aging instruments. The leasing program will allow the division to stay current with new technologies that provide improved drug detection capabilities and efficiencies.
12. This funding source would allow for the division to implement new testing methods for an ever expanding list of prescription as well as synthetic designer drugs that impact DUI sample testing.
13. It is assumed that \$300,000 of equipment leases will be entered into in FY 2016 and \$600,000 of equipment leases for FY 2017 through FY 2019.

Judicial Branch

14. The Judicial Branch assumes that the administrative fee for a person's refusal to submit to a blood-draw test is not a court fee or fine.
15. HB 488 creates two new felony offenses, therefore, the number of district court cases may increase as a result of this legislation; however, the Judicial Branch is unable to estimate the impact on judicial workload or the fiscal impact. The cumulative impact of such legislation may eventually require additional judicial resources because court dockets currently are full in many judicial districts throughout the state.

Office of the State Public Defender

16. The Office of the State Public Defender (OPD) has the statutory obligation to represent individuals charged with a crime who cannot afford to hire counsel, represent individuals on direct appeal and also to provide counsel if there is a conflict of interest. HB 488, if passed, could result in more trials and revocations in an unknown quantity.

Department of Corrections

17. HB 488 changes and increases fines and jail time for first, second, and third aggravated DUI offenses.
18. HB 488 does not affect that the 4th or subsequent offense for aggravated DUI is a felony, therefore, there is no fiscal impact to the Department of Corrections.

Department of Justice

	<u>FY 2016 Difference</u>	<u>FY 2017 Difference</u>	<u>FY 2018 Difference</u>	<u>FY 2019 Difference</u>
<u>Fiscal Impact:</u>				
<u>Expenditures:</u>				
Equipment	\$300,000	\$600,000	\$600,000	\$600,000
TOTAL Expenditures	\$300,000	\$600,000	\$600,000	\$600,000
<u>Funding of Expenditures:</u>				
General Fund (01)	\$0	\$0	\$0	\$0
State Special Revenue (02)	\$300,000	\$600,000	\$600,000	\$600,000
TOTAL Funding of Exp.	\$300,000	\$600,000	\$600,000	\$600,000
<u>Revenues:</u>				
General Fund (01)	\$268,275	\$268,275	\$268,275	\$268,275
State Special Revenue (02)	\$600,000	\$600,000	\$600,000	\$600,000
TOTAL Revenues	\$868,275	\$868,275	\$868,275	\$868,275
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>				
General Fund (01)	\$268,275	\$268,275	\$268,275	\$268,275
State Special Revenue (02)	\$300,000	\$0	\$0	\$0

Effect on County or Other Local Revenues or Expenditures:

1. HB 488 would increase county revenue at the same level as the state as the revenue is split 50/50. Based on the assumptions above, the estimated revenue to the counties would be approximately \$268,275 annually.

Technical Notes:

1. If this bill passes, and SB 315 (making a 3rd time DUI a felony), this bill will need to be amended to change “fourth or subsequent offense” to “third or subsequent offense.”

Sponsor's Initials_____
Date_____
Budget Director's Initials_____
Date